

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Paul's Industrial Garage, LLC, and Gibson
Sanitation, LLC,

Plaintiffs,

Civ. No. 06-4770 (RHK/JSM)

ORDER

v.

City of Red Wing, *et al.*,

Defendants.

The Court held a status conference in this matter on May 3, 2007, at which the parties jointly requested that the Court grant the relief set forth below. The Court having concluded that such relief is appropriate, **IT IS ORDERED**:

1. Upon the filing of an Affidavit indicating that the City of Red Wing (the "City") has issued licenses to each Plaintiff, and without further Order of the Court,

(a) Plaintiffs' claims for prospective injunctive and declaratory relief, as alleged in Plaintiffs' Complaint, are **DISMISSED**

WITHOUT PREJUDICE because those claims have been rendered moot by the City's enactment of Ordinance 10.01 – 10.3 on March 26, 2007; and

(b) the preliminary injunction issued on December 22, 2006, is

VACATED and the bond posted by Plaintiffs in connection therewith is **DISCHARGED**.

2. This Order is without prejudice to Plaintiffs' claims for nominal damages and attorneys' fees, as alleged in their Complaint and their pending Motion for Summary Judgment on Claim for Nominal Damages (Doc. No. 35).
3. Further briefing on Plaintiffs' pending Motion for Summary Judgment on Claim for Nominal Damages (Doc. No. 35) and Defendants' pending Motion to Dismiss or in the Alternative for Summary Judgment, and for Relief from Preliminary Injunction (Doc. No. 32) is **STAYED** until May 30, 2007, during which time the parties shall engage in good-faith negotiations toward resolving the remaining claims in this case. The hearing on these Motions currently scheduled for June 13, 2007, is **CANCELED**.

Dated: May 4, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge